

REMARKS

Claims 1, 4-6, 17, 20-23 and 26-28 remain pending in the application, with claims 2, 3, 7-16, 18, 19, 24 and 25 having been previously canceled.

The Applicants respectfully request that the Examiner initial and return a copy of the IDSs filed on December 31, 2007, January 18, 2008, August 27, 2008 and December 17, 2008.

Claims 1, 4-6, 17, 20-23 and 26-28 variously over LaPorta, Frohman, Holmes, and Sladek

In the Office Action, claims 1, 4, 5, 17, 20, 21, 23, 26 and 27 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Pat. No. 5,959,543 to LaPorta et al. ("LaPorta") in view of U.S. Pat. No. 5,418,835 to Frohman et al. ("Frohman"), and in further view of U.S. Pat. No. 6,134,432 to Holmes et al. ("Holmes"); and claims 6, 22 and 28 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over LaPorta in view of Frohman and Holmes, and further in view of U.S. Pat. No. 6,718,178 to Sladek et al. ("Sladek"). The Applicants respectfully traverse the rejection.

Claims 1, 4-6, 17, 20-23 and 26-28 recite, *inter alia*, individually assigning each of a plurality of subscriber queues a maximum number of short messages that the plurality of subscriber queues can store based on historical short message usage of each relevant subscriber queue.

The Examiner relies on Frohman at col. 2, lines 18-25 to allegedly disclose assignment of a maximum number of short messages that a plurality of subscriber queues can store. (see Office Action at page 3) Frohman at col. 2, lines 18-25 discloses:

Queue capacity could be another parameter used to control conversion. Paging system users with a lower level of service may be paying for a lower capacity queue (e.g., 5 messages). If the number of messages entered into the queue within the maximum page period should exceed 5 messages then the oldest messages would be converted to voice mail.

Frohman discloses a paging system with different levels of service, with the level of service controlling the capacity of all the queues that pay for that particular capacity. The levels of service are based payment, not based on historical short message usage of each relevant subscriber queue, as claimed. Frohman fails to disclose, teach or suggest individually assigning each of a plurality of subscriber queues a maximum number of short messages that the plurality of subscriber queues can store based on historical short message usage of each relevant subscriber queue, as recited by claims 1, 4-6, 17, 20-23 and 26-28.

The reason Frohman fails to assign a maximum queue number individually for each queue based on historical short message usage of each relevant subscriber queue is that Frohman's invention discloses a way for a service provider to make money by providing different levels of service, not addressing the Applicant's disclosed problem of churning. It is often the case that a small number of MINs are responsible for a disproportionately large number of messages being delivered within a network, called churning. The inventors have realized that this can result in large bandwidth usage that can interfere with delivery of messages to other subscribers. Implementation of a limit to control the maximum number of messages that can be stored for each subscriber queue individually based on historical short message usage of each relevant subscriber queue reduces the influence of any single subscriber queue has on a message delivery system. The claimed features having such benefits are not disclosed, taught or suggested by the cited prior art.

LaPorta, Frohman, and Holmes, either alone or in combination, fail to disclose, teach or suggest individually assigning each of a plurality of subscriber queues a maximum number of short messages that the plurality of subscriber queues can store based on historical short message usage of each relevant subscriber queue, as recited by claims 1, 4-6, 17, 20-23 and 26-28.

The Examiner relies on Sladek to allegedly disclose a Wireless Intelligent Network (WIN). (see Office Action, page 4) Thus, even considering the alleged disclosure of Sladek, LaPorta, Frohman, Holmes, and Sladek, either alone or in combination, fail to disclose, teach or suggest individually assigning

each of a plurality of subscriber queues a maximum number of short messages that the plurality of subscriber queues can store based on historical short message usage of each relevant subscriber queue, as recited by claims 1, 4-6, 17, 20-23 and 26-28.

Accordingly, for at least all the above reasons, claims 1, 4-6, 17, 20-23 and 26-28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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